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11-CV-01981-CMP

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WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF  
WASHINGTON AT SEATTLE

michael francis moynihan jr.,

Plaintiff,

vs.

REDMOND COURTHOUSE,

Defendant,

Case No.: 11-cv-1981 MJP

COMPLAINT  
under 5 USC § 552(a)(6)

Freedom of Information Act (FOIA) COMPLAINT  
arising under 5 USC § 552 (a)(6)

michael francis moynihan jr., *Citizen in Party, Plaintiff, Complainant*, submits this FOIA - COMPLAINT arising under 5 USC § 552 (a)(6) through the United States District Court (USDC - 28 U.S.C. § 132), Western District of Washington (28 U.S.C. § 128) - Seattle, against the defendant, Component agency, COUNTY DISTRICT COURT, EAST DIVISION - REDMOND COURTHOUSE - RCW 3.66 *et seq* (KCDCRDM), 8601 160<sup>th</sup> Ave. NE, P.O. Box 425, Redmond, Wash.

Component agency (RCW 3.66) is a lower federal administrative agency (executive branch) within administrative law principles it was created, conferred, and limited by the Legislature (Congress) in Revised Code of Washington at RCW 43.08 *et seq*. Component agency is an "it," a "U.S. person" with Tax Identification Number (TIN), (*See* 26 CFR § 301.6109-1b).

No Filing Fee/No IFP/No Iss

Component agency is situated in The State of Washington (Art. IV, Sec. 3, Cl. 1). Enacted in compliance with Article I §7 of the US Constitution. The following authorities establish and preserve this requirement: Art. I §8.18 & Article III § 1 of the Constitution; 4 U.S.C. §72; and direct authority by Congress by order is governed under 44 U.S.C. § 1505(a).

"An administrative agency is a creature of statute (Soriano v. U.S., 494 F2d 681, 683 (9th Circuit 1974))" And;

5 USC § 552 (f) For purposes of this section, the term--

(1) "agency" as defined in section 551(1) of this title [5 USCS 551(1)] includes any executive department, military department, Government corporation, **Government controlled corporation**, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and (2) "record" and any other term used in this section in reference to information includes- (A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and (B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.

#### **Relief:**

Complainant seeks a determination on failed performance for request Component agency's documents and information, according to directives pursuant to 5 USC § 552 (a)(6)(ii). Thus, if on denial the USDC "shall notify" on "provisions for judicial review of that determination." Then, as governed by 5 USC § 552 (a)(4)(B), "On complaint, the district court of the United States [DCUS - 28 U.S.C. § 451 - Federal court for the state zone under Art. III, *granted by § 1, defined by § 2 of the U.S. Constitution*]...in which the agency records are situated...has jurisdiction." Prayer for relief here involves the acknowledgment request for Component agency's documents/information as request under 5 USC § 552 (a)(6), that statute governs that only the district court of the United States (28 USC 451) shall have jurisdiction.

#### **Parties to this Complaint (APPEAL):**

*Complainant:* michael francis moynihan jr., *Citizen in Party*, (domiciled at 441 Main Ave. S. #32, North Bend, Wash., (425)766-1613.

*Component Agency:* COUNTY DISTRICT COURT, EAST DIVISION – REDMOND COURTHOUSE – RCW 3.66.*et seq* (KCD CRDM), 8601 160<sup>th</sup> Ave. NE, P.O. Box 425, Redmond, Wash.

**Statement of Claim:**

Complainant served Freedom of Information Act (FOIA) request upon above named Component agency. The FOIA included (ATTACHED) within this FOIA APPEAL is: KCDCRDM 11-14.

Component agency has failed to "Provide submission...within" the time constraint "pursuant to the Act, under signature of someone that can hold agency to contract, official letterhead, and certify by as to affidavit of the original maintained in the office". Component agency has failed to produce documents which Complainant has information that they exist.

Any given statute that prescribes a departmental function, creates an obligation, or prescribes a penalty, must be implemented by regulations published in the Federal Register. This requirement is in the Federal Register Act, at 44 U.S.C. § 1505(a). Hence, Component agency's authority is limited to documentation as was and is being challenged by Complainant.

Primary purpose of Freedom of Information Act (5 USCS 552), which provides generally for disclosure of agency records and information, is to open administrative processes to scrutiny of press and general public. *Renegotiation Bd. v Bannercraft Clothing Co.* (1974) 415 US 1, 39 L Ed 2d 123, 94 S Ct 1028 And;

Congressional purpose in enacting Freedom of Information Act (5 USCS 552) was to establish general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language. *Docal v Benninger* (1981, MD Pa) 543 F Supp 38

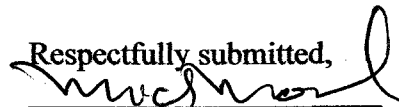
The FOIA maintains nine exemptions, but Component agency has failed to declare "denial" under national defense or foreign policy, individual privacy interests, business propriety interests, and the efficient operation of governmental functions. FOIA gives a Citizen "(1) the right to see records about [one]self, subject to the Privacy Act's exemptions, (2) the right to amend that record if it is inaccurate, irrelevant, untimely, or incomplete, and (3) the right to sue the government for violations of the statute including permitting others to see [one's] records unless specifically permitted by the Act."

Freedom of Information Act does not vest original jurisdiction in Court of Appeals to enforce its terms. *Echols v NLRB* (1975, CA6) 525 F.2d 288, 91 BNA LRRM 2336, 78 CCH LC 11256. And;

1 In Freedom of Information Act, 5 USCS 552 case, federal **district court** [28 U.S.C. §  
2 451] has jurisdiction over agency that allegedly violates Freedom of Information Act.  
3 Parenti v IRS (2003, WD Wash) 2003-1 USTC 50282, 91 AFTR 2d 1136, affd (2003,  
CA9 Wash) 70 Fed Appx 470, 2003-2 USTC 50616, 92 AFTR 2d 5668 [Emphasis]

4 Please give directives for submitting this COMPLAINT in district court of United States  
5 (DCUS) or send to or file it on USDC s' own accord as governed by USC. Both 5 USC § 552  
6 "for litigating" only mention the DCUS, Federal Court for the state zone (28 U.S.C. § 451) as the  
7 proper forum (exclusively). Injunction as relief under statute may be provided under Act through  
8 this court, or remove to DCUS. Pertinent research indicates that prosecutions and incarcerations  
9 of "this" STATE are treated as commodities and securities directly or indirectly, possibly being  
sold to investors such as the Chinese Communist Government.

10 DATED this day 28th day of November, 2011

11  
12 Respectfully submitted,  
  
13 michael francis moynihan jr.  
Plaintiff, *Citizen in Party*

14 *Name and address of Plaintiff:*  
15 michael francis moynihan jr.  
16 c/o 441 Main Ave. S #32  
North Bend, Wash.

KCDCRDM 11-14

related CS02041KC

Date: November 14, 2011

To: KING COUNTY DISTRICT COURT, EAST DIVISION – REDMOND COURTHOUSE –  
RCW 3.66.*et seq* (KCDCRDM), 8601 160<sup>th</sup> Ave. NE, P.O. Box 425, Redmond, Wash. -**Records**

From: michael francis moynihan jr., *Citizen in Party*

Subject: Document request & Information

Dear sir or Madam.

Pursuant to the provisions of the Washington State Freedom of Information Act, Public Records Act RCW 42.56 and/or 5 USC Section 552 as amended. I hereby make a formal request (KCDCRDM 11-14) for certified copies of the following originals:

1. The **document** that lists all REDMOND COURTHOUSE 's enforceable regulations for Title 18 USC §3231 (controlling statute for criminal jurisdiction) as published in the Federal Register pursuant to the Federal Register Act (44 USC §1505(a)).
2. The **document** authorizing promulgation or enforcement of any regulations, codes, statutes, rules through KING COUNTY DISTRICT COURT, EAST DIVISION – REDMOND COURTHOUSE (lower district federal administrative agency - RCW 3.66) with and including KING COUNTY SHERIFF'S OFFICE (KCSO – RCW 36.28.*et seq*).
3. The Tax Identification Number (TIN) used by REDMOND COURTHOUSE.
4. The **document** that the lower district federal court (inclusive of state) REDMOND COURTHOUSE relies upon for authority to overcome the command of Art. 1, Sec. 10, of the federal and state constitutions, "*No State shall...pass any...Law impairing the Obligation of Contracts*", to open an account in the name of michael francis moynihan jr., MICHAEL MOYNIHAN JR. or in any like appellation.
5. The **document** allowing REDMOND COURTHOUSE jurisdiction over maritime torts (civil jurisdiction of compelled performance to Statute). See *West v. Martin*, 47 Wash. 417, 92 Pac. 334. Such document must provide voluntary waiver into party's desire to participate in an equitable defense.
6. The **document** as "one and only" physical charter of incorporation that binds and limits authority of REDMOND COURTHOUSE – RCW 3.66.*et seq*. Such charter must also define rights, liberties, or powers to those being deprived of life, physical liberty, and Right to property within court's procedures at any time.



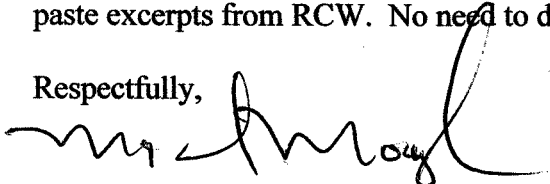
7. The **document** defining REDMOND COURTHOUSE – RCW 3.66.*et seq* (business) as franchise given rights from "this" STATE OF WASHINGTON (municipal corporation – 28 USC 451 as agency) in directing lawful ORDERS (contracts) to KING COUNTY SHERIFF'S OFFICE pursuant to (RCW 36.28.010(5)). Such document must explicate the authority to overcome the command (limitation) of Art. IV, Sec 6 of Constitution of Washington (Art. III, Sec. 2 US Const.), which merely authorizes a separate court of law and a separate court in equity. SHERIFF'S OFFICE as administrative agency in executive branch of government has never been given constitutional authority to participate in equity jurisdiction.
8. The **document(s)** depicting special legal (corporate) rights, exemptions, or immunities granted to individuals or class of persons deprived of life, physical liberty, and Rights to property; or the exceptions to any duty to those accused of RCW violation in REDMOND COURTHOUSE. Such document must also show a waiver overcoming the operational standard regulation RCW 46.25.050(1)(c), which provides an exception (privilege) granted under the RCW for any person (RCW 46.04.405) to produce the driver's license.
9. The **document** as corporate charter that court has filed with Secretary of State.
10. The **document** (information) including the CUSIP (Committee on Uniform Security Identification Procedures) number associated with CS02041KC for MOYNIHAN, MICHAEL F. JR., or michael francis moynihan jr. (See WAC 474-10.*et seq*).
11. Specifically, the **document** of evidence of establishment / incorporation / registration / creation / certification, or by any other description the establishment of, and the authority / license to collect fees and *payments* in The State of Washington or in "this state" (as defined in the RCW) following the exact spelling, case usage, and word orientation the entity: KING COUNTY DISTRICT COURT - EAST DIVISION, REDMOND COURTHOUSE or King County District Court - East Division Redmond Courthouse.

If any of the above documents do not exist please so state and certify that fact for each above instance by using such words as follows: I (name FOIA coordinator) certify that no such documents as above described in 1., 2., 3., 4., 5., 6., 7., 8., 9., 10., 11. of request KCD CRDM 11-14 exist in the files of (state where the files are located).

Fulfill request with cover page and requested page of the document described. Provide the submission to the above within the time constraints pursuant to the Act, under signature of someone that can hold the agency to contract, official letterhead, and certify by as to affidavit of the original maintained in the office (state where the record is/isn't maintained).

Do not fulfill this request with computer or otherwise generated hearsay. Do not cut and paste excerpts from RCW. No need to determine cost of something that doesn't exist.

Respectfully,



michael francis moynihan jr.  
c/o 441 Main Avenue S. #32  
North Bend, Wash.